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EXAMINER

RIES, LAURIE ANNE

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/841,017 | SAHOTA ET AL. | |
| | Examiner | Art Unit | |
| | Laurie Ries | 2176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 59-61 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination, filed 18 May 2006, to the original Application, filed 23 April 2001.
2. The rejection of claims 59-60 under 35 U.S.C. 102(a) as being anticipated by Puder ("System Support for Knowledge-Based Trading in Open Service Markets") has been withdrawn as necessitated by amendment and newly found prior art.
3. The rejection of claims 1-2 and 6-7 under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") has been withdrawn as necessitated by newly found prior art.
4. The rejection of claims 3 and 8 under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions"), Lonnroth (U.S. Patent 6,826,597 B1) and Nussbaum (U.S. Patent 6,779,154 B1) has been withdrawn as necessitated by newly found prior art.
5. The rejection of claims 4 and 9 under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database

Integration”) in view of Spencer (“Using XML to Build Internet Solutions”) and Lonroth (U.S. Patent 6,826,597 B1) has been withdrawn as necessitated by newly found prior art.

6. The rejection of claims 5 and 10 under 35 U.S.C. 103(a) as being unpatentable over Ensink (“XML Based Adaptation of the Composite Approach for Database Integration”) in view of Spencer (“Using XML to Build Internet Solutions”) and Arens (“Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server”) has been withdrawn as necessitated by newly found prior art.

7. The rejection of claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puder (“System Support for Knowledge-Based Trading in Open Service Markets”) and Kremen (U.S. Patent 5,706,434) has been withdrawn as necessitated by amendment and newly found prior art.

8. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

Response to Arguments

9. Applicant's arguments with respect to claims 1-10 and 59-61 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

10. Claim 1 is objected to because of the following informalities: Claim 1 contains an extraneous comma immediately following the word "standardized". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications").

As per independent claims 1 and 6, Whitledge discloses a syndication method and system including a server (See Whitledge, Figure 1).

Whitledge also discloses creating capture templates to harvest content from disparate content sources on multiple platforms (See Whitledge, Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29).

Whitledge also discloses extracting data from the disparate content sources using the created capture templates to control the extraction process (See Whitledge, Column 26, lines 25-31, and Figure 9, element 170).

Whitledge also discloses generating a standardized document from the extraction process and incoming content sources (See Whitledge, Figure 11, and Column 25, lines 26-50).

Whitledge also discloses providing the standardized document for optimized display on one or more different types of platforms (See Whitledge, Column 4, lines 65-67, Column 5, lines 1-17, and Column 8, lines 37-43).

Whitledge does not disclose expressly that the document is a data stream. Spyglass Prism discloses an HTML traffic report represented in real time, which is, therefore, a streaming document (See Spyglass Prism, Page 7).

Whitledge and Spyglass Prism are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the streaming document of Spyglass Prism with the data harvesting system and method of Whitledge. The motivation for doing so would have been to provide a representation of data in real time as needed, such as for applications involving current traffic conditions (See Spyglass Prism, Page 7). Therefore, it would

have been obvious to combine Spyglass Prism with Whitledge for the benefit of providing a representation of data in real time as needed to obtain the invention as specified in claims 1 and 6.

As per dependent claims 2 and 7, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses that he content includes HTML content or XML content (See Whitledge, Column 6, lines 3-14).

As per dependent claims 4 and 9, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses providing the standardized data stream on personal computer display or an electronic portable device display and generating content and code optimized, personalized for a specific platform, network environment or local market (See Whitledge, Column 8, lines 37-46).

12. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") as applied to claims 1 and 6 above, and further in view of Lonnroth (U.S. Patent 6,826,597 B1).

As per dependent claims 3 and 8, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge also discloses that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform (See Whitledge, Column 24, lines 41-67, and Column 25, lines 1-2). Whitledge and Spyglass Prism do not disclose expressly creating one or

more XML files or documents to define rules, logic, and content extraction parameters. Lonroth discloses that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). Whitledge, Spyglass Prism, and Lonroth are analogous art because they are from the same field of endeavor of using templates to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonroth with the method of harvesting data of Whitledge and Spyglass Prism. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonroth with Whitledge and Spyglass Prism for the benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols to obtain the invention as specified in claims 3 and 8.

13. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

As per dependent claims 5 and 10, Whitledge and Spyglass Prism disclose the limitations of claims 1 and 6 as described above. Whitledge and Spyglass Prism do not disclose expressly caching the data stream, templates or content. Arens discloses caching data or information (See Arens, Abstract). Whitledge and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Whitledge and Spyglass Prism. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore, it would have been obvious to combine Arens with Whitledge and Spyglass Prism for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

14. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Lee (U.S. Publication 2001/0054031 A1).

As per independent claim 59, Whitledge discloses a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from a web site on the Internet network based on conversion rules stored in a repository (See Whitledge, Figure 3, Figure 4A, Column 11, lines 58-67, Column 13, lines 45-59, and Table 3).

Whitledge also discloses converting the harvested content based on conversion rules stored in the repository (See Whitledge, Column 6, lines 35-38).

Whitledge does not disclose expressly acquisition rules stored in a repository. Lee discloses acquisition rules stored in a rules base (See Lee, Page 3, paragraph 0049).

Whitledge and Lee are analogous art because they are from the same field of endeavor of gathering electronic data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the stored acquisition rules of Lee with the data harvesting method of Whitledge. The motivation for doing so would have been to determine the validity of data to be input and thus reduce data conversion errors. Therefore, it would have been obvious to combine Lee with Whitledge for the benefit of determining the validity of data to be input and thus reduce data conversion errors to obtain the invention as specified in claim 59.

As per dependent claim 60, Whitledge discloses the limitations of claim 59 as described above. Whitledge also discloses navigating the web site to locate and access the content and media assets using a web browser, which does not change existing content on a web site (See Whitledge, Figures 10 and 11, Column 25, lines 10-37, and Column 1, lines 62-65).

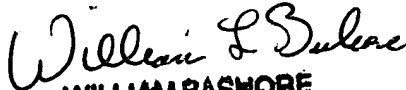
As per dependent claim 61, Whitledge and Lee disclose the limitations of claim 59 as described above. Whitledge also discloses accessing the content and media assets using an Internet protocol (See Whitledge, Column 2, lines 4-24).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR


WILLIAM BASHORE
PRIMARY EXAMINER